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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) NO. CR 10-0636 JSW  
Plaintiff, )

v. )

JOSE LOPEZ CEJA, )  
a/k/a Jose Ceja, )  
a/k/a Jose Lopez, )  
Defendant. )

**STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME UNDER 18  
U.S.C. § 3161**

On August 31, 2010, the parties in this case appeared before the Court. At that time, the Court set the matter to October 7, 2010 at 2:30 p.m. before the Honorable Jeffrey S. White. The parties have agreed to exclude the period of time between August 31, 2010 and October 7, 2010, from any time limits applicable under 18 U.S.C. § 3161. The parties have represented that granting the exclusion for continuity of counsel and to allow the reasonable time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that

1 the ends of justice served by granting such an exclusion of time outweigh the best interests of the  
2 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court  
3 made findings consistent with this agreement.

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6  
7 SO STIPULATED:

8 MELINDA HAAG  
9 United States Attorney

10  
11 DATED: September 1, 2010

12 /s/  
13 LOWELL C. POWELL  
Special Assistant United States Attorney

14 DATED: September 1, 2010

15 /s/  
16 BARRY PORTMAN  
Attorney for JOSE LOPEZ CEJA

~~PROPOSED~~ ORDER

For the reasons stated above and at the August 31, 2010 hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from August 31, 2010 through October 7, 2010 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time would unreasonably deny the defendant continuity of counsel, and deny counsel for the defendant and for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 9/2/2010

